



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Frank X. Vance
County Attorney
Medina County
Hondo, Texas

Dear Sir:

Opinion No. O-4895
Re: Nepotism - County Treasurer
may appoint deputy related
to a member of the Commis-
sioners' Court regardless
of degree of relationship.

Your request for opinion has been received and care-
fully considered by this department. We quote from your request
as follows:

"Would the appointment of a deputy County Treas-
urer under Art. 3902, Civil Statutes, bring such
appointee under the provisions of 'nepotism', as pro-
vided for in Art. 432 of the Penal Code, when the
relationship of the appointee to a member of the Com-
missioners' Court is within the degree prohibited by
Art. 432, of the Penal Code, and where the appointee's
bond is made directly to the County Treasurer without
action of the Commissioners' Court, and where the County
Treasurer pays such appointee or deputy out of his own
personal funds?"

Opinion No. O-4454 of this department holds that a
County Treasurer has the authority to appoint a deputy if the
provisions of Article 3902, V. A. C. S., are complied with.
We enclose herewith a copy of said opinion.

Since the Commissioners' Court merely authorizes the
appointment of a deputy County Treasurer and exercises no control
over the person to be selected for the place, either by appoint-
ing such person or by confirming his appointment, it is our opinion

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under the authorities cited in Opinions Nos. O-1954, O-4330 and O-4720 of this department, copies of which are enclosed herewith for your information, that such appointment would not be illegal.

APPROVED OCT 14, 1942

Yours very truly

ATTORNEY GENERAL OF TEXAS

Howe Allen
FIRST ASSISTANT
ATTORNEY GENERAL

By

Wm. J. Fanning
Wm. J. Fanning
Assistant

WJF:JP

ENCLOSURES

